

## EXHIBIT 5

**From:** Beral, Arash  
**Sent:** Friday, July 25, 2025 3:19 PM  
**To:** mschiraldi@foxrothschild.com; Gilmore, Jamison; Malynn, Todd M.  
**Cc:** farjam@foxrothschild.com; jnwasike@foxrothschild.com; mdmurphy@foxrothschild.com; mfollett@foxrothschild.com  
**Subject:** RE: Shakey v. PCJV - Exhibits

Fox Rothschild team,

Thank you for sending the Kiteworks folder containing the proposed amended joint exhibit list and the rest of Plaintiff's exhibits earlier today. Following the Court's order granting the stipulation, the deadline to file the second set of pre-trial documents has been extended from close of the court building today to 9:00 a.m. on Tuesday, July 29. As you know, the timeframe remains quite limited, particularly as we have not yet received any of the draft documents from you that are required for Tuesday's filing. As motions in limine have been stricken and we are not aware of any deposition designations, the documents to be filed include:

1. Proposed PTC Order
2. Joint Proposed Jury Instructions
3. Joint Verdict Forms
4. Joint Statement of the Case
5. Challenged Exhibits Table
6. Voir Dire Questions

One of the most urgent issues – and something Matt and we discussed earlier today – is the requirement to manually deliver to the Court a hard-copy binder and a USB flash drive. The binder must include a table of contents for the following documents (again, with MILs stricken):

Table of Contents:

1. Memoranda of Contentions of Law and Fact
2. Proposed PTC Order
3. Joint Witness List
4. Joint Exhibit List (amended if leave is requested and granted)
5. Challenged Exhibits Table
6. Joint Jury Instructions
7. Joint Verdict Forms
8. Joint Statement of the Case
9. Voir Dire

To ensure we meet the Court's deadline and have sufficient time to meet and confer, we respectfully request that you provide Plaintiff's drafts of the following documents for our review by 4:30 p.m. today:

1. Draft PTC Order
2. Plaintiff's objections to our proposed jury instructions circulated May 23, 2025

3. Plaintiff's objections to our proposed verdict forms circulated May 23, 2025
4. A proposed statement of the case

Additionally, please note that we will need leave of Court to file and include an amended exhibit list in the binder. I flagged this issue earlier today to Matt, and we should consider filing a joint request today or on Monday for leave to file an amended exhibit list. To the extent not already included (we will check), we intend to add one additional exhibit found here: [California Department of Business Oversight-Citation and Desist and Refrain Order](#). Please let us know if you will prepare the joint request.

With respect to the other pre-trial filings listed above, we previously served jury instructions and verdict forms and did not receive any timely objections. If it would be helpful, we can prepare a draft statement of the case for your review. However, we do need to receive a draft PTC Order and any objections to the proposed jury instructions and verdict forms by 4:30 p.m. today.

It is important that the additional time granted by the Court is used efficiently by both parties in preparing for trial. In order to have a meaningful meet and confer on Monday regarding all of the above documents, we need to receive your drafts today so that we can review and work on them over the weekend as needed. We will insert our portions of the PTC Order and will accept any proposed changes to the jury instructions and verdict forms to which we agree, which should help streamline our work on Monday.

Please confirm that you are in agreement with this approach. Additionally, kindly confirm that Plaintiff will be responsible for the hard-copy binder filing and submission of the USB containing electronic copies of the exhibits on Tuesday morning before 9 a.m.

Thank you for your prompt attention to these matters.

Best regards,

Arash

**Arash Beral** | BLANKROME

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**From:** Schiraldi, Michael V. <mschiraldi@foxrothschild.com>

**Sent:** Friday, July 25, 2025 11:09 AM

**To:** Beral, Arash <arash.beral@blankrome.com>; Gilmore, Jamison <Jamison.Gilmore@blankrome.com>; Malynn, Todd M. <Todd.Malynn@BlankRome.com>

**Cc:** farjam@foxrothschild.com; jnwasike@foxrothschild.com; mdmurphy@foxrothschild.com; mfollett@foxrothschild.com

**Subject:** Shakey v. PCJV - Exhibits



DOWNLOAD

You have received 2 files from mschiraldi@foxrothschild.com.

Respected Counsel -

Following up on Mr. Murphy's email this morning, attached please find the updated exhibit list as well as the exhibits. Thank you very much.

Michael Schiraldi  
Paralegal  
Fox Rothschild

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We have an updated exhibit list (not that many changes) and corrections for what Jamison found. Sorry for the error.

A Kiteworks folder will follow

**Michael Murphy**

Partner

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File links expire: Aug 15, 2025

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If you have activated your account before, but do not remember your password, click the "forgot password" link to request a new password. You will be asked to provide your email address so that a password reset link can be sent back to your email account for security.



1 document

2025.07.25 - SPAVI v. PCJV et al. - Amended Joint Exhibit List.docx



1 compressed file

Shakey Exhibits 7-25-25.zip



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